

United States Bankruptcy Court
Northern District of Indiana

Robert K. Rodibaugh United States Bankruptcy Courthouse
401 South Michigan Street
P.O. Box 7003
South Bend, Indiana 46634-7003

James Bonini
United States Bankruptcy Clerk

Telephone: 574.968.2230
Facsimile: 574.968.2231

September 27, 2002

To: Members of the Bar

Re: New Northern District Practices and Policies

On September 24, 2002, the Bankruptcy Judges of Indiana's Northern District adopted several revisions to local rule B-5005-1, the court's fax filing policy, and to procedures relating to electronic case filing (ECF). Accompanying this letter you will find copies of the orders approving these changes. To aid you in assimilating these changes into your practices, I want to provide you with a brief summary of the changes:

- Local rule B-5005-1(a) has been amended to require that all documents filed, including exhibits and attachments, comply with the same format requirements, 8 ½" x 11" and printed on only one side of the page. This change is in addition to revisions made by the court's order of August 27, 2002.
- Local rule B-5005-1(c)(2) has been amended to delete the requirement for delivery confirmation that was added by the court's order of August 27, 2002.
- General Order 2002-02 was signed on September 24, 2002. This order rescinds, effective December 1, 2002, General Order 94-1 which permitted the court to receive fax filings. Beginning December 1, 2002, the court will no longer accept any fax filings.
- On September 24, 2002, the court entered an amended order authorizing ECF. The original ECF order was signed on August 29, 2002. The amended ECF order contains several changes.
 - Paragraph 5 was amended to delete the requirement for delivery confirmation for documents being returned to the filer by the clerk.
 - Paragraph 11 was amended concerning the ways in which signatures may be indicated on documents electronically filed.

- Paragraph 11.c. On the petition, statement, schedules, lists and any amendments to these documents, the signature of the debtor may only be indicated by scanning the signature. The use of an electronic signature for the debtor (i.e., /s/ Debtor Name) is no longer acceptable.
- The attorney for debtor must provide a paper copy of the petition, statements, schedules, lists and any amendments to the assigned case trustee upon request of the trustee. (See the attached letter of September 26, 2002 from Alex Edgar, Assistant United States Trustee, and the attachment referenced therein summarizing Chapter 7 and 13 trustee requests regarding service of hard copy documents.)
- Paragraph 18 was revised to clarify the proper format for electronic documents. All documents, except for the matrix, must be in Adobe Acrobat portable document format, as PDF files. The matrix must be in a text (.txt) file.

Please review the full text of the attached orders. For your convenience you may also find copies of these orders, along with our local rules and general orders, on the court's web page. The address for our web site is: www.innb.uscourts.gov.

Thank you.

Very truly yours,

/s/

James Bonini
Clerk of Court

September 26, 2002

James Bonini, Clerk of Court
401 South Michigan Street
P.O. Box 7003
South Bend, IN 46634

Dear Jim:

Re: "Standing Request"

Per your request, I have surveyed the Chapter 7 and 13 trustees regarding a "standing request" to have debtors' counsel serve them with a paper copy (either by mail or hand delivery) of the bankruptcy petition, schedules, statements, and amendments thereto in each and every new bankruptcy case they are assigned. Please see the attached matrix of trustees and their individual requests.

Please call me if you have any question about the survey.

Very truly yours,

Nancy J. Gargula
United States Trustee

By:

Alexander L. Edgar
Assistant U.S. Trustee

cc. Nancy J. Gargula, U.S. Trustee
Chapter 7 and 13 Trustees

Standing Request Chapter 7 and 13 Trustee Matrix

Trustee	Yes, serve me with a paper copy by mail or hand delivery	No, not at this time
R. David Boyer	Yes, until it is up-loadable en masse	
Yvette Gaff Kleven	Yes, at this point	
Mark A. Warsco		No
Paul R. Chael		Not at this time
Donald M. Aikman	Yes	
Debra L. Miller		No
Gary D. Boyn	Yes	
Joseph D. Bradley	Yes	
Rebecca Hoyt Fischer		No
J. Richard Ransel	Yes	
Tedd E. Mishler	Yes	
Edward Chosnek	Yes	
Kimberly A. Gilbert	Yes	
David A. Rosenthal	Yes	
David R. DuBois	Yes	
Daniel L. Freeland	Yes	
Gordon E. Gouveia	Yes	
Calvin D. Hawkins	Yes	
Kenneth A. Manning	Yes	
Stacia L. Yoon	Yes	
Martin E. Seifert	Yes	
Jacqueline S. Homann	Yes	

Updated 11/19/02

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA

In Re:)
)
LOCAL RULES OF PRACTICE)
)
)

SECOND ORDER
AMENDING LOCAL BANKRUPTCY RULE B-5005-1

With the implementation of electronic case filing (ECF) on September 3, 2002, it is appropriate to further amend local bankruptcy rule N.D. Ind. L.B.R. B-5005-1, concerning the format of documents presented for filing and the return of file stamped copies of documents. The court also concludes that the nature of these amendments and the circumstances surrounding their adoption is such that public notice and an opportunity for comment upon it prior to adoption are not necessary, feasible, or appropriate.

IT IS, THEREFORE, ORDERED that, effective September 24, 2002:

1. The second sentence of paragraph (a) of N.D. Ind. L.B.R. B-5005-1 is amended to read as follows:
 - (a) . . . All filings, including exhibits and attachments thereto, shall be on white paper of good quality, 8½" x 11" in size, printed on one side of the paper only, and shall be plainly typewritten, printed, or prepared by a clearly legible duplication process and double spaced, except for quoted material. . . .
2. Paragraph (c)(2) of N.D. Ind. L.B.R. B-5005-1 is amended to delete the words "in a manner by

which delivery can be confirmed, such as express mail, registered mail, or first class mail/return receipt requested” which were added by the Order of this court dated August 27, 2002.

Dated: September 24, 2002

/s/

Kent Lindquist, Chief Judge
United States Bankruptcy Court

/s/

Harry C. Dees, Jr., Judge
United States Bankruptcy Court

/s/

Robert E. Grant, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA

IN RE:)
)
FILINGS BY FACSIMILE TRANSMISSION)

GENERAL ORDER 2002-02

On September 21, 1994, this court signed General Order 94-1 to govern the filing of documents with this court by means of facsimile transmission. Effective September 3, 2002 this court will institute case management, electronic case filing (CM/ECF) software. With the adoption of CM/ECF, this court will have the ability to accept the filing of documents electronically *via* the Internet. As a result of the adoption of this new technology the court no longer has a need to receive filings by facsimile transmission.

It is, therefore, ORDERED that General Order 94-1, dated September 21, 1994, is hereby rescinded effective December 1, 2002.

It is SO ORDERED.

Dated: September 24, 2002

/s/

Kent Lindquist, Chief Judge
United States Bankruptcy Court

/s/

Harry C. Dees, Jr., Judge
United States Bankruptcy Court

/s/

Robert E. Grant, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA

In Re:)
)
ELECTRONIC CASE FILING)

AMENDED ORDER AUTHORIZING ELECTRONIC CASE FILING

Pursuant to Rules 5(e) and 83 of the Federal Rules of Civil Procedure and Rules 5005(a)(2), 9011, 9029 and 9036 of the Federal Rules of Bankruptcy Procedure that authorize this court to establish practices and procedures for the filing, signing and verification of pleadings and papers, and sending of notices by electronic means, IT IS ORDERED that:

1. Electronic Filing Authorized:

The court will accept the electronic filing of documents effective September 3, 2002, by way of the court's Electronic Case Filing System (ECF System).

2. Official Record:

Except as otherwise ordered, the official record of the court for all documents filed on or after September 3, 2002, is the electronic record maintained by the clerk. All documents submitted in a hard copy format by any person on or after September 3, 2002, including those from *pro se* persons, will be imaged into an electronic form by the clerk. Once imaged, with the exception of hard copy filings submitted by *pro se* filers or documents ordered sealed by the court, all such documents will be destroyed in accordance with the procedure authorized by the court and the clerk will not maintain hard copies of any documents filed in connection with any case or proceeding. Documents filed before September 3, 2002, will not be converted to an electronic format unless otherwise ordered by the court.

3. Registered Users:

a. Attorneys admitted to the bar of this court (including those admitted *pro hac vice* under the applicable local rules) and others as the court deems appropriate, may register as Users of the court's ECF System. Registrants will be issued a login and password upon fulfilling the following requirements:

- i. Successful completion of the court-sponsored ECF training program;
 - ii. Completion of an ECF User application form; and
 - iii. Providing the court with a credit card authorization for the payment of filing fees.
- b. Registration as a User constitutes:
 - i. The User's consent to receive notice electronically and a waiver of the right to receive notice by first class mail, including notice of the entry of an order or judgment under Fed.R.Bankr.P. 9022;
 - ii. The User's waiver of the right to personal service or service by first class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed.R.Bankr.P.7004 and subpoenas; and
 - iii. An affirmation that the User will endeavor to file all documents electronically.
- c. All Users shall maintain a current and active e-mail address and shall promptly advise the court of any change.

4. Unauthorized Use of Password Prohibited:

No person may use a login and password without the permission of the User to whom they were issued. Users agree to protect the security of their passwords. A User has an obligation to immediately notify the clerk if they believe that the security of their password has been compromised.

5. Filing of Paper Documents:

All Users are expected to file all documents electronically in the court's ECF System. Individuals who are not registered Users of the court's ECF System may present documents to the clerk in a hard copy format. Any attorney presenting (or having presented on their behalf), other than in person at the clerk's office, an affidavit or any other document signed under oath or penalties of perjury for filing in a hard copy format - including a bankruptcy petition, statement, schedule or list or any amendment thereto - must also provide, at the time the document is presented, a self-addressed, stamped envelope of sufficient size and with sufficient postage to permit the return of the document to the attorney.

6. Exhibits and Attachments:

Exhibits to an electronically filed document, such as leases, notes, contracts, mortgages, etc., must be filed electronically as attachments to the document. Except in the case of proofs of claim, the relevant portions of large or voluminous exhibits may be summarized or excerpted. Such summaries or excerpts shall be clearly identified as such, and the filer shall promptly produce the full text of the original document(s) upon request at the filer's expense.

7. Amendments to Petitions, Statements and Schedules:

The amended or new information on electronically filed amendments to the bankruptcy petition, schedules, statements or lists shall be identified by being underlined. Any other method of differentiating or otherwise drawing attention to the amended information will not work and, therefore, is not acceptable.

8. Time of Electronic Filing:

Except in the case of documents presented for filing in a hard copy format, a document filed electronically is deemed filed as of the date and time stated on the "Notice of Electronic Filing" generated by the court's ECF System, which is the time the court's ECF server receives the electronic transmission. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight Eastern Standard Time, in South Bend, Indiana where the court's ECF server is located, in order to be considered filed that day.

9. Effect of Electronic Filing:

The electronic filing of a document in accordance with the court's ECF procedures shall constitute entry of the document on the docket kept by the clerk under Fed. R. Bankr. P. 5003. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed.

10. Payment of Filing and Court Fees:

Any fees that the clerk is required to collect at the time of filing will be fully paid at the time a document is electronically filed by charging the User's credit card under the procedure established by the clerk.

11. Signatures:

a. Signature of the User:

The use of an attorney's login and password for the electronic filing of a document constitutes that attorney's signature for all purposes, including Rule 9011 of the Federal Rules of Bankruptcy Procedure. Unless the electronically filed document has been scanned and shows the attorney's original signature, the signature of the attorney shall also be indicated by "/s/ Attorney's Name" on the line where the signature would otherwise appear. Electronically filed documents must include a signature block that sets forth the name, complete mailing address, telephone number, e-mail address and state bar identification number of the filing attorney.

b. Signatures of Other Persons:

In the case of a stipulation, agreed order, joint motion or other document which needs to be signed by two or more persons, the signatures may be indicated by either:

- i. submitting a scanned copy of the originally signed document, or its signature page(s); or
- ii. through the use of "/s/ Name" in the signature block where the signatures would otherwise appear. The use of "/s/ Name" constitutes the filer's representation that it has obtained the affirmative consent of all other signatories to the document submitted.

c. Petitions, Statements, Schedules and Lists:

- i. Signatures upon the bankruptcy petition, schedules, statements and lists, and any amendment thereto, may be indicated by either:

- A. submitting a scanned copy of the originally signed document(s) or;

- B. attaching a scanned copy of the signature page(s) to the electronic document.

- ii. At the request of the trustee assigned to the case, debtor's counsel shall provide the case trustee with a paper copy of the petition, schedules, statements, lists and any amendments thereto.

- iii. Debtor's counsel shall retain the originally signed the bankruptcy petition, schedules, statements and lists and any amendments thereto for no less than three (3) years following the closing of the case. Debtor's counsel shall produce the originally signed

document(s) upon request. The failure to do so may result in the imposition of sanctions on the court's own motion, or upon the motion of the case trustee, U.S. Trustee, U.S. Attorney, or other party.

d. Other Documents Signed Under Oath:

i. Signatures upon affidavits or other documents signed under penalties, other than the bankruptcy petition, schedules, statements and lists, and any amendment thereto, may be indicated by either:

A. submitting a scanned copy of the originally signed document;

B. attaching a scanned copy of the signature page(s) to the electronic document; or

C. through the use of “/s/ Name” on the line where the signature would otherwise appear. The use of “/s/ Name” constitutes the filing attorney's representation that an originally signed copy of the document exists and is in counsel's possession at the time of filing.

ii. The attorney filing any affidavit or other document signed under penalties of perjury shall retain the originally signed document for no less than three (3) years following the closing of the case and shall produce the originally signed document upon request. The failure to do so may result in the imposition of sanctions on the court's own motion, or upon the motion of the case trustee, U.S. Trustee, U.S. Attorney, or other party.

12. Service:

The filer of an electronic document is responsible for serving that document on all entities entitled to receive it. Whenever a document is filed electronically, a “Notice of Electronic Filing” will be automatically transmitted by e-mail to all registered ECF Users who have appeared in the case or proceeding. Service of this Notice shall constitute the service or notice of the document filed. Any other entity entitled to be served with the document shall be served with a hard copy of the document in accordance with the Federal Rules of Bankruptcy Procedure.

For service on the United States electronic service is effective only as to the United States Attorney for the Northern District of Indiana. Service on all other governmental departments, agencies and instrumentalities of the United States, including but not limited to the Attorney General of the United States, as may be required, must be effected by means of first class mail, postage fully

prepaid, unless the department, agency or instrumentality has expressly consented, in writing, to receive electronic service pursuant to Rule 9036 of the Federal Rules of Bankruptcy Procedure.

13. Submission of Proposed Orders:

Proposed orders shall be submitted electronically through the court's ECF System as a separate document, identified as "Proposed order ____." Proposed orders shall not be attached to, or incorporated in another filing.

14. Entry of Court Orders and Judgments:

All orders will be entered electronically by the court or court personnel in accordance with the court's ECF procedure, and this constitutes the entry of the order, decree, judgment or proceeding on the docket kept by the clerk under Federal Rules of Bankruptcy Procedure 5003 and 9021. Any order entered electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner. The clerk's electronic transmission of the "Notice of Electronic Filing" constitutes the notice required by Rule 9022, Federal Rules of Bankruptcy Procedure.

15. Sealed Documents:

A motion to file documents under seal shall be filed electronically. If the motion is granted, the documents ordered to be placed under seal shall be filed conventionally with the clerk, and not electronically, along with a paper copy of the order granting the motion. The clerk will maintain sealed documents in paper format.

16. Claims:

Claims shall be filed electronically. The filing User shall retain the originally signed claim for no less than three (3) years following the closing of the case and shall produce the originally signed document upon request. Any exhibits attached to the claim must be the full text of the document, and not summaries, excerpts or redacted copies.

17. Technical Failures:

If a filing is not timely as a result of a technical system failure, the ECF User may seek appropriate relief from the court, such as through Rule 9006 or Rule 9024 of the Federal Rules of

Bankruptcy Procedure.

18. Electronic Document Requirements:

a. File Format of Electronic Document: All electronic filings, except the matrix of creditors and parties in interest required by local rule N.D. Ind. L.B.R. B-1007-1, must be submitted in a portable document format (PDF) and formatted in accordance with the requirement of local rule N.D. Ind. L.B.R. B-5005-1(a). PDF document images must be filed in black-and-white or text formats only. Grayscale or color PDF document images shall not be filed electronically.

b. Format of Matrix: The creditor matrix must be in an ASCII text format, a .TXT file.

c. File Size of Documents Filed Electronically: No electronic filing, whether a document or exhibit or attachment thereto, should exceed 2 megabytes (2Mb) in size, which is approximately 25 pages of black and white text. If a document, exhibit or attachment exceeds 2Mb in size, it must be divided into parts no larger than 2 Mb each.

19. Document Retention:

The attorney filing any affidavit or other document signed under penalties of perjury – including the bankruptcy petition, schedules, statements and lists and any amendments thereto – shall retain the originally signed document for no less than three (3) years following the closing of the case and shall produce the originally signed document upon request. The failure to do so may result in the imposition of sanctions upon the filing user on the court's own motion, or upon the motion of the case trustee, U.S. Trustee, U.S. Attorney, or other party.

It is SO ORDERED.

Dated: September 24, 2002

/s/
Kent Lindquist, Chief Judge
United States Bankruptcy Court

/s/
Harry C. Dees, Jr., Judge
United States Bankruptcy Court

/s/
Robert E. Grant, Judge
United States Bankruptcy Court